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IAB# SH 2335335

AUDIO/VIDEO TRACKING SHEET

OFFICER INVOLVED SHOOTING FORM

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TRANSCRIBED INTERVIEWS

- Sheriff's Dispatch on May 11, 2013, 1948 hours
- Homicide interview of Deputy Luis Mendoza
- IAB interview of Deputy Luis Mendoza
- Homicide interview of Deputy Lonnie Deck
- Homicide interview of Deputy Clint Hughes
- Homicide interview of Witness [redacted]
- Deposition of Witness [redacted]
- Deposition of Witness [redacted]
- Deposition of Witness [redacted]

EXHIBITS

A - Homicide Case Book under file #013-05809-0261-013.

B - DVD containing crime scene photos, Homicide audio interviews.

C - Crime Sketch of Walnut Street, Cudahy.

D - Los Angeles County District Attorney's Office Letter of Opinion dated June 5, 2014.

E - Crime Scene photos used in IAB interviews.

MISCELLANEOUS DOCUMENTS

- Unsigned Administrative Rights form for Deputy Mendoza.
- Deputy Mendoza's training records.

OFFICER INVOLVED SHOOTING FORM

Los Angeles County Sheriff's Department
Officer Involved Shooting

Report Date: 05/11/13	Bureau/Station/Facility: East Los Angeles Patrol Station	Admin. Invest.? ☐	Hit? ☑

Incident Information

URN: 013-05809-0261-013	Date: 05/11/13 Time: 2202 Hrs.
City or Station: Cudahy	Nature of Incident: During a vehicle stop contact, Suspect Arceo (passenger) approached Dep. Mendoza aggressively in attempt to take away his weapon. Dep. Mendoza fired one round, stopping S/Arceo.
Location: [redacted] Walnut Street	

Location Type (*check one or more*):
- ☐ Backyard
- ☐ Beach
- ☐ Business
- ☐ Freeway
- ☐ Industrial
- ☐ Park
- ☐ Parking Lot
- ☐ Residence
- ☐ Rural
- ☐ School
- ☑ Street
- Other:

Lighting (*check only one*):
- ☑ Darkness
- ☐ Daylight
- ☐ Other
- ☐ Street Lights

Weather (*circle only one*):
- ☑ Clear
- ☐ Cloudy
- ☐ Fog
- ☐ Rain

Distance:

Incident Type (*check one or more*):
- ☐ Accidental
- ☐ Armed Person
- ☐ Fleeing Suspect
- ☐ Foot Pursuit
- ☑ Gun Take Away
- ☐ Moving Vehicle
- ☐ Sniper/Ambush
- ☐ Startle
- ☐ Struggle Involved
- ☑ Traffic Stop
- ☑ Unarmed Person
- ☐ Unintentional
- ☐ Vehicle Pursuit
- ☐ Warrant Service
- ☐ Warning Shot
- Other:

Initiated by (*check only one*):
- ☐ Arrest Warrant
- ☑ Call
- ☐ Observation
- ☐ One Person Unit
- ☐ Other
- ☐ Search Warrant
- ☐ Two Person Unit

Prior Activity (*check only one*):
- ☐ Detective
- ☐ Inmate Transport
- ☐ Other
- ☑ Routine Patrol

Aero Unit? ☑ Canine Unit? ☐

Total # of Shots Fired by Deputy: One

Total # of Shots Fired by Suspect: Zero

Employee Witnesses

Employee #	Last Name	First Name	M.I.	ShiftTime (check only one)	ShiftType (check only one)
[redacted]	Deck	Lonnie	J	☐ EM ☑ PM ☐ Day	☑ Regular ☐ Overtime ☐ Off Duty
[redacted]	Hughes	Clint		☐ EM ☑ PM ☐ Day	☑ Regular ☐ Overtime ☐ Off Duty
				☐ EM ☐ PM ☐ Day	☐ Regular ☐ Overtime ☐ Off Duty

Non-Employee Witnesses

Last Name: [redacted]		First Name: [redacted]		M.I.	
Street Address: [redacted]	City: [redacted]	Zip Code: [redacted]	Work Ph: [redacted]		Home Ph
Last Name: [redacted]		First Name: [redacted]		M.I.	
Street Address: [redacted]	City: [redacted]	Zip Code: [redacted]	Work Ph		Home Ph
Last Name: [redacted]		First Name: [redacted]		M.I.	
Street Address: [redacted]	City: [redacted]	Zip Code: [redacted]	Work Ph		Home Ph

Supervisors

Employee #	Last Name	First Name	M.I.	(check one or more)
[redacted]	Cruz	Andrew		☑ On Duty ☐ Present during shooting ☐ Witness to shooting ☐ Involved in shooting
				☐ On Duty ☐ Present during shooting ☐ Witness to shooting ☐ Involved in shooting

Watch Sergeant

Employee #	Last Name	First Name	M.I.
[redacted]	Renfrow	Mark	L

Watch Commander

Employee #	Last Name	First Name	M.I.
[redacted]	Kopperud	Ronald	

PSTD Use Only

SH # 2335335

Officer Involved Shooting

URN: 013-05809-0261-013

Rollout Information

Arrival Date	Arrival Time	Date Submitted	Date of Recommendation
5/11/2013	2345	5/13/15	

Employee #	Last Name	First Name	M.I.
[redacted]	Lopez	Mark	A
[redacted]	Garcia	Jose	J
[redacted]	Berg	Michael	R

Shooting / Force Information

Method

(AW) Arwen
(BC) Baton:(Control)
(BI) Baton:(Impact)
(BF) Bodily Fluids
(CN) Canine
(CR) Carotid Restraint
(CH) Choke Hold
(CT) Control Holds:(Control Techniques)
(TT) Control Holds:(Team Takedown)
(TD) Control Holds:(Takedown)
(CE) Chemical
(OC) Chemical Agents (OC Spray)
(TG) Chemical Agents (Tear Gas)
(EX) Explosives
(FH) Firearm (Handgun)
(FR) Firearm (Rifle)
(FS) Firearm (Shotgun)
(FO) Firearm (Other)
(FB) Flashbang
(FL) Flashlight
(OE) Other Weapon: Edged
(OV) Other Weapon: Vehicle
(OB) Other Weapon: Blunt Object
(OO) Other Weapon: Other
(PK) Personal Weapon: Feet/Leg: (Kick)
(PS) Personal Weapon: Feet/Leg: (Sweep)
(PH) Personal Weapon (Hand/Arm)
(PP) Personal Weapon (Push)
(PO) Personal Weapon (Other)
(RS) Resistance
(CN) Restraint Device (Capture Net)
(RH) Restraint Device (Handcuffs)
(HB) Restraint Device:Hobble (Legs Only)
(TP) Restraint Device:Hobble (TARP)
(RE) Restraint Device: REACT Belt
(SP) Sap
(SH) Shield
(SG) 37mm Stinger
(SB) Sting Ball
(ST) Stun Bag
(TR) Taser
(UC) Uncooperative

Type of Injury

(AB) Abrasion
(BR) Bruise
(BU) Burn
(CP) Complaint of Pain
(CO) Concussion
(DH) Death
(DI) Dislocation
(DB) Dog Bite
(FR) Fractures
(GS) Gunshot
(HB) Human Bite
(LC) Lacerations
(ND) Nerve Damage
(OD) Organ Damage
(PA) Paralysis
(PW) Puncture Wound
(SD) Soft Tissue Damage
(ST) Sprain/Twists
(UN) Unconscious
(RM) Refused Med Treatment
(NN) NONE

Body Part Injured

(AD) Abdomen
(AK) Ankle
(AR) Arm
(BK) Back
(BT) Buttocks
(CH) Chest
(EL) Elbow
(FA) Face
(FE) Feet
(FI) Fingers
(GE) Genitals
(GR) Groin
(HD) Hand
(HE) Head
(HI) Hip
(IN) Internal
(KN) Knees
(LE) Leg
(NK) Neck
(SH) Shoulder
(WR) Wrist

Brand

(AK) AK-47
(BN) Benelli
(BR) Beretta
(BW) Browning
(CH) Charter Arms
(CO) Colt
(DA) Davis Industries
(GL) Glock
(HA) Harrington & Richardson
(HI) Hi Standard
(HK) H & K
(IT) Ithica
(IV) Iver Johnson
(JE) Jennings
(LO) Lorcin
(LU) Luger
(MA) Marlin
(MO) Mossberg
(NC) NCI aka SKS
(NA) North American
(NO) Norinco
(RA) Raven
(RM) Remington
(RG) RG
(RI) RGI
(RO) Rossi
(SW) Smith & Wesson
(SR) Sturm Ruger
(SS) SIG Sauer
(ST) Sterling
(TA) Taurus
(WE) Weatherby
(WN) Winchester
(US) US Government
(YY) Handmade (Inmate)
(XX) Homemade (Non-Inmate)
(ZZ) Other Brand

Caliber

(9) 9 mm
(10) 10 mm
(12) 12 guage
(20) 20 guage
(21) .22-250
(22) .22 caliber
(23) .223 caliber
(24) .243 caliber
(25) .25 caliber
(30) .308 caliber
(35) .357 caliber
(36) 30-60 caliber
(38) .38 caliber
(40) .40 caliber
(41) .410 guage
(44) .44 caliber
(45) .45 caliber
(50) 50 mm
(SL) Slug
(WW) Other caliber

FORCE APPLIED *(one code per block)*

Used By (E# or S#)	Used Against (E# or S#)	Method (Code)	Brand (Code)	Caliber (Code)	Authorized Weapon? (Y/N)	Authorized Ammunition? (Y/N)	Type of Injury (Code)	Body Part (Code)
S#1	E#1	UC					NN	
E#1	S#1	FH	BR	9	Y	Y	DH	CH

Officer Involved Shooting
Involved Employee Information

URN: 013-05809-0261-013

Involved Employee

E 1

Employee # [redacted]	Last Name: Mendoza	First Name: Luis	M.I.
Sex: M Race: H	Rank: Deputy	Unit Assignment: ELA Station	Work Assignment (Unit #, Module, etc.): 26A
ShiftTime (*circle only one*): [ ] EM [x] PM [ ] Day	ShiftType (*circle only one*): [x] Regular [ ] Overtime [ ] Off Duty	Intoxication/Drug Usage? [ ]	Substance Used:
Hospital Admission? [ ]	Hospital Name:	Coroner Case? [ ]	Coroner Case # — Interviewed? [x]
Hrs of sleep prior to shooting: 8-9	Du[redacted]	Clothing (*circle only one*): [ ] Plain Clothes no Vest [ ] Raid Jacket w/ Vest [ ] Plain Clothes w/ Vest [ ] Uniform no Vest [ ] Raid Jacket no Vest [x] Uniform w/ Vest	Other Factors:
Age: [redacted] Height: 508	Weight: 160		
Range Qualification Date: [redacted]	PPC Qualification Date: [redacted]	Laser Training Date: [redacted]	
Certified with Weapon Used? [redacted]	Patrol Certification? [redacted]	Certification Unit: [redacted] — Prior Shootings? [redacted]	Number of Prior Shootings: [redacted] — Directed Force: [redacted]
Weapons Fired Brand: 92FS Caliber: 9mm # Shots: 1		Weapons Fired Brand:	Caliber # Shots
Field Training Officer Emp # [redacted]	Last Name [redacted]	First Name [redacted]	M.I.
Field Training Officer Emp # [redacted]	Last Name [redacted]	First Name [redacted]	M.I. [redacted]

E ___

Employee #	Last Name	First Name	M.I.
Sex: Race:	Rank:	Unit Assignment:	Work Assignment (Unit #, Module, etc.):
ShiftTime (*circle only one*): [ ] EM [ ] PM [ ] Day	ShiftType (*circle only one*): [ ] Regular [ ] Overtime [ ] Off Duty	Intoxication/Drug Usage? [ ]	Substance Used:
Hospital Admission? [ ]	Hospital Name:	Coroner Case? [ ]	Coroner Case # — Interviewed? [ ]
Hrs of sleep prior to shooting:	Duty Time (hrs):	Clothing (*circle only one*): [ ] Plain Clothes no Vest [ ] Raid Jacket w/ Vest [ ] Plain Clothes w/ Vest [ ] Uniform no Vest [ ] Raid Jacket no Vest [ ] Uniform w/ Vest	Other Factors:
Age: Height:	Weight:		
Range Qualification Date:	PPC Qualification Date:	Laser Training Date:	
Certified with Weapon Used? [ ]	Patrol Certification? [ ]	Certification Unit: — Prior Shootings? [ ]	Number of Prior Shootings: — Directed Force: [ ]
Weapons Fired Brand: Caliber # Shots		Weapons Fired Brand:	Caliber # Shots
Field Training Officer Emp #	Last Name	First Name	M.I.
Field Training Officer Emp #	Last Name	First Name	M.I.

E ___

Employee #	Last Name	First Name	M.I.
Sex: Race:	Rank:	Unit Assignment:	Work Assignment (Unit #, Module, etc.):
ShiftTime (*circle only one*): [ ] EM [ ] PM [ ] Day	ShiftType (*circle only one*): [ ] Regular [ ] Overtime [ ] Off Duty	Intoxication/Drug Usage? [ ]	Substance Used:
Hospital Admission? [ ]	Hospital Name:	Coroner Case? [ ]	Coroner Case # — Interviewed? [ ]
Hrs of sleep prior to shooting:	Duty Time (hrs):	Clothing (*circle only one*): [ ] Plain Clothes no Vest [ ] Raid Jacket w/ Vest [ ] Plain Clothes w/ Vest [ ] Uniform no Vest [ ] Raid Jacket no Vest [ ] Uniform w/ Vest	Other Factors:
Age: Height:	Weight:		
Range Qualification Date:	PPC Qualification Date:	Laser Training Date:	
Certified with Weapon Used? [ ]	Patrol Certification? [ ]	Certification Unit: — Prior Shootings? [ ]	Number of Prior Shootings: — Directed Force: [ ]
Weapons Fired Brand: Caliber # Shots		Weapons Fired Brand:	Caliber # Shots
Field Training Officer Emp #	Last Name	First Name	M.I.
Field Training Officer Emp #	Last Name	First Name	M.I.

See Other Side

Officer Involved Shooting
Suspect Information

URN: 013-05809-0261-013

Suspect Information

S 1

Last Name: Arceo		First Name: Rigoberto	M.I.:
AKA Last Name:		First Name:	M.I.:
Sex: M Race: H	Street Address: [redacted]	City: [redacted]	State & Zip Code: [redacted]
Work Phone:	Home Phone:	Social Security #:	Driver's License #: [redacted]
Age: 34 D.O.B. 11/20/78	Height: 511 Weight: 160	FBI #: [redacted]	CII #: [redacted]
Booking #:	Primary Charge: Deceased	Secondary Charge:	
Coroner Case? ☑	Coroner Case #: 2013-03450	Intoxication/Drug Usage? ☑	Substance Used: Cocaine, Marijuana, Alcohol
Armed? ☐	Apprehended? ☑	[redacted]	Criminal History? ☑
Vehicle Make: Toyota		Model: Sienna	Year: 2008

S

Last Name:		First Name:	M.I.:
AKA Last Name:		First Name:	M.I.:
Sex: Race:	Street Address:	City:	State & Zip Code:
Work Phone:	Home Phone:	Social Security #:	Driver's License #:
Age: D.O.B.	Height: Weight:	FBI #:	CII #:
Booking #:	Primary Charge:	Secondary Charge:	
Coroner Case? ☐	Coroner Case #:	Intoxication/Drug Usage? ☐	Substance Used:
Armed? ☐	Apprehended? ☐	Mental Illness? ☐	Criminal History? ☐
Vehicle Make:		Model:	Year:

S

Last Name:		First Name:	M.I.:
AKA Last Name:		First Name:	M.I.:
Sex: Race:	Street Address:	City:	State & Zip Code:
Work Phone:	Home Phone:	Social Security #:	Driver's License #:
Age: D.O.B.	Height: Weight:	FBI #:	CII #:
Booking #:	Primary Charge:	Secondary Charge:	
Coroner Case? ☐	Coroner Case #:	Intoxication/Drug Usage? ☐	Substance Used:
Armed? ☐	Apprehended? ☐	Mental Illness? ☐	Criminal History? ☐
Vehicle Make:		Model:	Year:

S

Last Name:		First Name:	M.I.:
AKA Last Name:		First Name:	M.I.:
Sex: Race:	Street Address:	City:	State & Zip Code:
Work Phone:	Home Phone:	Social Security #:	Driver's License #:
Age: D.O.B.	Height: Weight:	FBI #:	CII #:
Booking #:	Primary Charge:	Secondary Charge:	
Coroner Case? ☐	Coroner Case #:	Intoxication/Drug Usage? ☐	Substance Used:
Armed? ☐	Apprehended? ☐	Mental Illness? ☐	Criminal History? ☐
Vehicle Make:		Model:	Year:

See Other Side

SUPPLEMENTAL NON-EMPLOYEE WITNESSES
Los Angeles County Sheriff's Department

Non-Employee Witnesses

Last Name [redacted]	First Name [redacted]			M.I.
Street Address [redacted]	Zip Code [redacted]	Work Ph	Home Ph	
Last Name [redacted]	First Name [redacted]			M.I.
Street Address [redacted]	Zip Code [redacted]	Work Ph	Home Ph	
Last Name	First Name			M.I.
Street Address	Zip Code	Work Ph	Home Ph	
Last Name	First Name			M.I.
Street Address	Zip Code	Work Ph	Home Ph	
Last Name	First Name			M.I.
Street Address	Zip Code	Work Ph	Home Ph	
Last Name	First Name			M.I.
Street Address	Zip Code	Work Ph	Home Ph	
Last Name	First Name			M.I.
Street Address	Zip Code	Work Ph	Home Ph	
Last Name	First Name			M.I.
Street Address	Zip Code	Work Ph	Home Ph	
Last Name	First Name			M.I.
Street Address	Zip Code	Work Ph	Home Ph	
Last Name	First Name			M.I.
Street Address	Zip Code	Work Ph	Home Ph	
Last Name	First Name			M.I.
Street Address	Zip Code	Work Ph	Home Ph	
Last Name	First Name			M.I.
Street Address	Zip Code	Work Ph	Home Ph	
Last Name	First Name			M.I.
Street Address	Zip Code	Work Ph	Home Ph	
Last Name	First Name			M.I.
Street Address	Zip Code	Work Ph	Home Ph	
Last Name	First Name			M.I.
Street Address	Zip Code	Work Ph	Home Ph	
Last Name	First Name			M.I.
Street Address	Zip Code	Work Ph	Home Ph	

INVESTIGATIVE SUMMARY

INTERNAL AFFAIRS BUREAU
INVESTIGATIVE SUMMARY
IAB# SH2335335

DEPUTY INVOLVED HIT SHOOTING (SUSPECT DECEASED)

File # 013-05809-0261-013

DATE: May 11, 2013, Saturday

TIME: 2202 hours

LOCATION [redacted] Walnut Street, Cudahy CA. 90201

SUSPECT: Rigoberto Arceo, MH/34, 11/20/78

DEPUTY (S) INVOLVED: Luis Mendoza [redacted]

On May 11, 2013, Internal Affairs Bureau Lieutenant Michael Berg and Sergeants Mark Lopez and Jose J. Garcia responded to a command post at [redacted] Clara Street, Cudahy, regarding a deputy-involved hit shooting.

When the team arrived at the command post, there was an active containment of the area. Investigators learned that the series of events which occurred culminated into a deputy involved hit shooting, involving Deputy Luis Mendoza. The personnel involved in the incident was a uniformed patrol deputy working a one-person unit.

The criminal investigation was handled by Homicide Bureau Investigators Tim O'Quinn and Brian Schoonmaker. Their investigation is documented in a paginated Homicide Bureau investigative book, which is presented as ***Exhibit A***.

SYNOPSIS:

On May 11, 2013, at approximately 2149 hours, East Los Angeles Patrol Station received a 9-1-1 call of a man with a gun at [redacted] Elizabeth Street, Cudahy. The informant indicated two males were arguing and a fight was pending. The call was updated that the disturbing party possibly threw a gun towards a grassy area. This call for service was assigned to Deputy Mendoza Unit 26A.

Air 21, Deputies Clint Hughes (pilot) and Lonnie Deck (observer) responded within a minute. Air 21 utilized their search light and saw a group of individuals in front of the apartment complex. Shortly after illuminating the area, the individuals dispersed. Deputy Deck advised Deputy Mendoza a male matching the description of the suspect walked eastbound with a female and entered a dark-colored minivan.

Deputy Mendoza coordinated with his assisting Unit 28H, Deputy Rosa Gonzalez to meet him at Atlantic Boulevard and Elizabeth Street to roll into the location together. Air 21 advised Deputy Mendoza the minivan left the location and was traveling westbound on Elizabeth Street towards Otis Avenue.

Deputy Mendoza advised Air 21 to follow the minivan as he drove by the Elizabeth Street to check for possible witnesses or victims. Deputy Mendoza drove by [redacted] Elizabeth location and did not locate any victims.

Deputy Mendoza left Elizabeth Street and traveled northbound on Otis Avenue. Deputy Mendoza was told by Air 21 he was two cars behind the minivan. Deputy Mendoza advised Air 21 as soon as a second unit was behind him he would initiate a traffic stop. The minivan turned westbound on Walnut Street. Deputy Mendoza positioned his vehicle behind the minivan. Deputy Mendoza advised his direction of travel while waiting for his assisting unit to arrive.

After traveling 400 feet west from the corner of Walnut Street and Otis Avenue, the minivan abruptly pulled over to the right curb. Deputy Mendoza saw the front passenger door open and a male exited the vehicle and began to walk to the rear of the minivan.

Deputy Mendoza activated his overhead rotating red and blue emergency lights and stopped his vehicle approximately five feet behind the minivan. Deputy Mendoza exited his vehicle and ordered Suspect Arceo to get back into his vehicle several times.

Suspect Arceo ignored his orders and continued to walk to the rear of the minivan, closing the distance.

Deputy Mendoza moved away from his driver's door A-frame to the front of his patrol vehicle positioned at the driver's side headlights. As Suspect Arceo got to the rear of the minivan, Deputy Mendoza pointed his duty handgun at him and ordered him to get on the ground several times. Suspect Arceo replied "I ain't doing shit". Deputy Mendoza saw Suspect Arceo was breathing heavily and appeared to be "staring right through him" with a blank stare as he continued to walk toward him. Deputy Mendoza noticed Suspect Arceo had his hands chest high as he walked towards his duty handgun. Deputy Mendoza thought Suspect Arceo was staring at his handgun.

Deputy Mendoza believed at that point Suspect Arceo's intent was to take his duty handgun away from him and kill him with it. Deputy Mendoza fired one round at Suspect Arceo when the suspect's hands were within two feet of his firearm. The one round fired by Deputy Mendoza immediately stopped Suspect Arceo's advances. Deputy Mendoza handcuffed Suspect Arceo and broadcasted he was involved in an officer involved shooting.

Deputy Mendoza's assisting Unit #28H, arrived within a minute and assisted with detaining [redacted] without incident.

Suspect Arceo was treated by Los Angeles County Fire Squad #163, commanded by Captain Traxler. Suspect Arceo was transported to St. Francis Hospital and pronounced at 2246 hours by Doctor Michael Jimenez.

At East Los Angeles Sheriff's Station, Homicide Bureau Investigators O'Quinn and Schoonmaker retrieved Deputy Mendoza's weapon from his holster. The magazine was removed and the live rounds were counted. The handgun, magazine, and (15) live rounds were taken as evidence, and later submitted to the Scientific Services Bureau's Firearms Section under Lab Receipt #K489374. For further, refer to The Firearms Examiner Reports under ***Exhibit A***, ***pages 41, 42.***

The incident was documented in Homicide Bureau's case book and Supplemental Reports, ***Exhibit A***, Crime scene photos along with Homicide interviews were copied on a DVD refer to ***Exhibit B***, Crime scene sketch produced by the crime lab refer to ***Exhibit C***.

On June 5, 2014, the Los Angeles County District Attorney's Office (Justice System Integrity Division) submitted their Letter of Opinion on this Officer Involved Shooting case.

The District Attorney's Factual Analysis conclude that Deputy Mendoza acted in lawful self-defense when he used deadly force against Suspect Arceo. For copy of the Los Angeles County District Attorney's Letter of Opinion refer to ***Exhibit D***.

INVOLVED PERSONNEL: [redacted]
MENDOZA, Luis, Deputy, [redacted]
Central Patrol Division, East Los Angeles Station
Working Unit 26A/PM, East Los Angeles Station

WORK HISTORY:

Date of Employment:	**September 18, 2006**
Date Assigned to Patrol:	[redacted]
Completed Patrol Training:	
Prior Shooting Incidents:	
Prior Founded Force Incidents:	

SUSPECT INFORMATION:
ARCEO, Rigoberto, MH/34, 11-20-78, 511/170,
Suspect Vasquez's criminal records are maintained under CII # [redacted], MAIN # [redacted] and FBI # [redacted] A check of his state criminal history record and the Consolidated Criminal History Reporting System (CCHRS) revealed that [redacted]
Refer to the state criminal history and CCHRS printouts (***Exhibit A***, ***pages 70 through 76***).

EMPLOYEE WITNESSES:
DECK, Lonnie, Deputy [redacted]
Homeland Security Division, Aero Bureau
Observer on Air-21.

HUGHES, Clint, Deputy [redacted]
Homeland Security Division, Aero Bureau
Pilot on Air-21.

NON-EMPLOYEE WITNESSES:
[redacted], FH/35, DOB: [redacted],
[redacted]

[redacted] FH/31, DOB: [redacted],
[redacted].

[redacted], MH/29, DOB: [redacted]

[redacted] MH53, DOB: [redacted]

[redacted], MH33, DOB [redacted]

INJURIES:
No deputies were injured.

Suspect Arceo sustained one gunshot wound to his chest and died as a result of a fatal gunshot wound to his chest. For further, refer to the Autopsy Report and associated paperwork listed in ***Exhibit A***, ***pages 98 through 117***.

Refer to ***Exhibit B,*** for one (DVD) which contain photographs of the scene and photographs of Deputy Luis Mendoza, as well as audio interviews of employee and non-employee witness interviews.

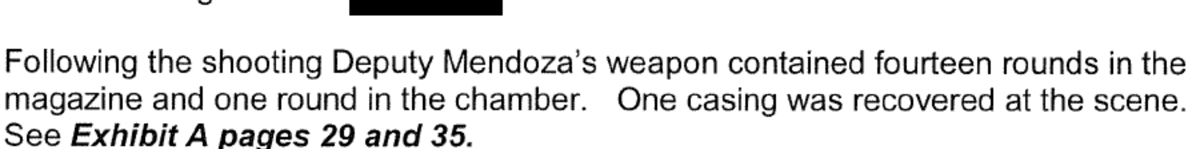
PHYSICAL EVIDENCE:
Located within the involved crime scene was a 2008 Toyota Sienna that contained a plastic case. The case contained a handgun, FEG Hungary, 9mm semi-auto pistol Serial [redacted] with no live rounds in the magazine, $3000.00 in cash. One expended cartridge case, "WIN," 9mm Luger. All physical evidence was collected and documented by Scientific Services Bureau personnel. For more information, see ***Exhibit A, pages 35 thru 49.***

INVESTIGATORS' OBSERVATIONS:
At the time of the IAB investigator's arrival, the crime scene had been preserved. The physical evidence at the scenes appeared to be consistent with the deputies' versions of the events.

This incident initiated at [redacted] Walnut Street, Cudahy which is an east/west residential street. Deputy Mendoza fired one round from the street of [redacted] Walnut Street, striking Suspect Arceo once. Suspect Arceo fell to the ground immediately, behind the parked Toyota Sienna minivan at [redacted] Walnut Street. For further details, refer to crime scene sketch and pictures in ***Exhibits B and C.***

WEAPONS USED BY DEPUTY PERSONNEL:

MENDOZA, Luis
Service Weapon Type: Beretta 9mm, 92FS, serial [redacted]
Rounds Fired: One
Date Employee Last Qualified [redacted]
Combat handgun CPT: [redacted]



Following the shooting Deputy Mendoza's weapon contained fourteen rounds in the magazine and one round in the chamber. One casing was recovered at the scene. See ***Exhibit A pages 29 and 35.***

The firearm was tested by Sheriff's firearms examiners and found to be functional. See ***Exhibit A pages 41.***

WEAPON USED BY SUSPECT:

None

PROPERTY DAMAGE:

No property damage was identified in this particular incident.

CRIMINAL INVESTIGATION:

Investigator's Name:	Homicide Detectives Timothy O'Quinn and Brian Schoonmaker
Court:	None
Charges Filed:	None
DA Case Number:	None

LIGHTING AND WEATHER CONDITIONS:

The shooting occurred during darkness on a clear night. The street lights were only on the south side of the street.

INVOLVED EMPLOYEE STATEMENTS:

Homicide investigators interviewed all involved personnel on the date of this incident. A summary of their interviews may be found in ***Exhibit A, pages 19-29.*** The interviews were audio recorded and can be found in ***Exhibit B***. This IAB investigator reviewed the audio recordings of those interviews and found that Homicide's summary of each interview is an accurate account of what was said.

IAB INTERVIEW OF DEPUTY LUIS MENDOZA

Deputy Luis Mendoza was interviewed during the investigation by Homicide Bureau Investigators Timothy O'Quinn and Brian Schoonmaker on May 12, 2013. He was represented by attorney Erika Gurrola from Green & Shinee. Precise wording may be obtained by reviewing the digitally audio recorded interview located in IAB's audio files and/or the verbatim transcripts listed under the **Transcriptions** section of the IAB casebook. For a summary of his interview with the Homicide Bureau investigators, refer to ***Exhibit A, pages 26 through 29.***

Deputy Luis Mendoza was interviewed by IAB Sergeants Mark Lopez and Dan Peacock on April 21, 2015, at 1025 hours, at the IAB Commerce office. He was represented by Amanda Waters from Green & Shinee. Precise wording may be obtained by reviewing the digitally audio recorded interview located in IAB's audio files and/or the verbatim transcripts listed under the **Transcriptions** section of the IAB casebook.

On May 11, 2013, Deputy Mendoza was assigned to East Los Angeles Patrol Station. Deputy Mendoza worked as Unit #26A, PM shift, from [redacted] Deputy Mendoza wore a Class A uniform with a Sam Browne gun belt. Deputy Mendoza did not have a Taser with him because they either were all checked out or the Taser batteries were dead.

At approximately 2149 hours, East Los Angeles Patrol Station received a 9-1-1 call of a possible man with a gun at [redacted] Elizabeth Street, Cudahy. Informant indicated two males with shaved heads were arguing and a fight was pending. A brief clothing description was given, white shirt, dark pants. The call was updated that the disturbing party possibly threw a gun towards a grassy area. The informant became uncooperative and hung up without giving any further details or a call back telephone number. This call for service was assigned to Deputy Mendoza Unit 26A.

Deputy Mendoza coordinated with his assisting Unit 28H, Deputy Rosa Gonzalez. Deputy Mendoza asked Deputy Gonzalez to meet him at Atlantic Boulevard and Elizabeth Street to roll into the location together. Air 21 responded and was over the Elizabeth Street location within a minute.

Air 21 advised Deputy Mendoza individuals matching the description in the call got into a dark-colored minivan and were traveling westbound on Elizabeth Street. Deputy Mendoza advised his assisting Unit #28H, he was going to the Elizabeth Street location to see if anyone was hurt because the individuals matching the description in the call were no longer at the location. When Deputy Mendoza arrived at Elizabeth Street he used his spot light to illuminate the area. No one made an attempt to contact him.

Deputy Mendoza advised Air 21 he left Elizabeth Street and was traveling northbound on Otis Avenue. Deputy Mendoza was told by Air 21 he was two cars behind the minivan. Deputy Mendoza advised Air 21, as soon as a second unit was behind him, he would initiate a traffic stop. The minivan turned westbound on Walnut Street and Deputy Mendoza positioned his vehicle behind the minivan. Deputy Mendoza advised his direction of travel while waiting for his assisting unit to arrive. Deputy Mendoza maintained constant contact with Air 21.

Deputy Mendoza attempted to catch up to the minivan to go [redacted] on a possible man with a gun vehicle. After approximately 400 feet west from the corner of Walnut Street and Otis Avenue, the minivan abruptly pulled over to the right curb.

Deputy Mendoza was surprised by the sudden stop and had several concerns. Deputy Mendoza knew there could be a handgun in the vehicle, there could be someone hurt in the vehicle, or the situation could be an ambush.

As the minivan stopped, Deputy Mendoza saw the front passenger door open and a male Hispanic (Suspect Arceo) with a shaved head exit the vehicle. Deputy Mendoza only saw Suspect Arceo's head as he walked to the rear of the minivan.

Deputy Mendoza immediately activated his overhead rotating red and blue emergency lights and stopped his vehicle five feet behind the minivan. Deputy Mendoza exited his vehicle and ordered Suspect Arceo to get back into his vehicle several times.

Deputy Mendoza said Suspect Arceo ignored his orders and continued to walk to the rear of the minivan, closing the distance. Deputy Mendoza said due to the details of the person with a gun call, the physical description of the suspect and the observations broadcasted via the helicopter unit, he believed the male exiting the minivan was a gang member and armed with a weapon. Mendoza added, the way the minivan pulled over abruptly, made him think he was in a possible ambush situation.

Based on Suspect Arceo's actions, Deputy Mendoza's attention was split between Suspect Arceo who was approaching, and the driver ([redacted] who was sitting in the minivan. Deputy Mendoza decided to move away from his driver's door A-frame because he felt if Suspect Arceo had a gun, Suspect Arceo would immediately know his position, and shoot at the Sheriff's vehicle driver's door area.

Deputy Mendoza moved to the front of his patrol vehicle in front of his driver's side headlights. Deputy Mendoza chose to move to the front of his car to keep an eye on both the passenger and driver rather than move to the rear of his car. Deputy Mendoza felt if he moved to the back of his car he would have to take his eyes off the two passengers for a second in order to safely watch for oncoming traffic.

When Suspect Arceo got to the rear of the minivan, Deputy Mendoza was able to get a clear view of Suspect Arceo. Deputy Mendoza saw that Suspect Arceo was unarmed and pointed his duty handgun at him and ordered him to get on the ground several times. Suspect Arceo replied "I ain't doing shit". Deputy Mendoza now knew the fight was on.

Deputy Mendoza saw Suspect Arceo's hands come up towards his duty handgun. Deputy Mendoza thought Suspect Arceo was going to try and take his handgun away and use it to kill him.

Deputy Mendoza waited until Suspect Arceo got to within two feet and fired one round at Suspect Arceo's center mass. Deputy Mendoza reassessed after the one shot and observed Suspect Arceo immediately fall to the ground. Deputy Mendoza then handcuffed Suspect Arceo and broadcasted he was involved in an officer involved shooting.

Deputy Mendoza placed one knee on Suspect Arceo's back as he focused his attention to the driver of the minivan. Deputy Mendoza's assisting Unit #28H, arrived within a minute and assisted in detaining the driver [redacted]

> **IAB Note**: Three copies of crime scene photos were used in this interview and can be located in ***Exhibit E***.

WITNESSES:

SWORN:
DECK, Lonnie, Deputy [redacted]
Observer on Air-21.

HUGHES, Clint, Deputy [redacted]
Pilot of Air-21.

Deputies Deck and Hughes were interviewed by Homicide Investigators along with IAB investigators. For a summary of the interview, refer to ***Exhibit A, pages 20 – 23 of the Supplemental Report***, and the audio interview in ***Exhibit B***.

Deputies Deck (Observer) and Hughes (Pilot) responded to [redacted] Elizabeth Street regarding a possible person with a gun call. Upon their arrival they saw two groups of individuals in front of the listed location. Deputy Deck activated the helicopter search light and saw three individuals that matched the description of the individuals in the call. The helicopter search light caused the groups to disperse.

Deputy Deck saw a male that matched the description walk eastbound with a female and enter a dark colored minivan.

Deputy Deck advised Deputy Mendoza of his observations. Deputy Deck tried to gather additional information from East Los Angeles Sheriff Station desk. Deputy Deck was told the informant had hung up and there was no call back phone number.

Deputy Deck broadcasted via radio he observed a possible suspect leaving the location in a dark colored minivan. The suspect was seated in the front passenger seat and the female was driving. Deputy Deck continued to give updates on the direction of travel. Deputy Deck recalled Deputy Mendoza coordinating on the radio and advising he was going to wait for his assisting unit before attempting to stop the minivan.

Deputy Deck saw the minivan turn westbound onto Walnut Street from Otis Avenue. Deputy Mendoza arrived behind the minivan on Walnut Street. After approximately eight to nine houses, the minivan suddenly pulled over to the north curb line and came to a sudden stop. Deputy Deck did not see the deputy activate his overhead lights until he saw Mendoza's car come to a complete stop behind the minivan.

Air 21 lit up the area of the stop with its search light and began an orbit. Deputy Deck identified a large tree on the south side of the street that obstructed their view of the stop during their orbit. Just prior to their view being obscured, Deputy Deck remembered seeing the right front passenger door of the minivan open. As Air 21 continued their orbit and passed the obscured tree, Deputy Deck and Deputy Hughes heard [redacted] and [redacted]

Initially they did not know if the emergency traffic was the same incident they were orbiting. Deputy Deck used his binoculars and looked at the Walnut Street location as they passed the obscuring tree. Deputy Deck saw a male (Suspect Arceo) lying curled in a fetal position behind the rear of the minivan.

Once Deputy Deck confirmed it was the same incident he assisted Deputy Mendoza on the radio coordinating units to their location.

Deputy Hughes confirmed that the south side trees blocked most of their view when he flew the helicopter into an orbit. Deputy Hughes piloted the helicopter and was not able to keep a constant view of the situation as it unfolded.

NON EMPLOYEE WITNESSES:

The following below civilian witnesses were identified at the location and interviewed during the investigation by Homicide Bureau Investigators Timothy O'Quinn and Brian Schoonmaker. For the complete verbatim interview, refer to ***Exhibit B, audio files***.

Refer to the page number located after the witnesses' names for a summary of their statements, presented in the Homicide Bureau case book in ***Exhibit A***.

[redacted] - *page 23*
[redacted] - *page 29*
[redacted] – *page 18*
[redacted] – Deposition transcripts
[redacted] – Deposition transcripts
[redacted] – Deposition transcripts

Witness [redacted]

[redacted] the [redacted] of Suspect Arceo, stated she had driven [redacted] from the Bakersfield area. They arrived at Suspect Arceo's house [redacted]) for a Mother's Day celebration. Approximately an hour before the Deputy Involved Shooting, [redacted] and Suspect Arceo left the Walnut Street house and drove to [redacted] to try and stop a confrontation that involved their [redacted] At the [redacted] address, [redacted] stated Suspect Arceo got into a shouting match with the individual who had a conflict with [redacted]

[redacted] did not see anyone with any weapons in their hands, but did admit it was a heated argument that lasted approximately twenty minutes. [redacted] stated when the Sheriff's helicopter flew over the [redacted] address, she was able to convince Suspect Arceo to go back to her minivan so they could leave.

[redacted] stated she drove back to Suspect Arceo's house on Walnut and did not notice that a Sheriff's Helicopter was following her and a Sheriff's ground unit was behind her. [redacted] stated the first time she was aware of the Sheriff's presence was when she parked on Walnut Street and saw red and blue lights flashing behind her van.

As soon as [redacted] saw the police lights, she saw Suspect Arceo reach for the front passenger door handle and immediately began to exit the minivan. [redacted] grabbed Suspect Arceo's shirt and told him "wait for them to tell us to get out." [redacted] stated Suspect Arceo ignored her request and exited the minivan with his hands up and walked to the rear of the minivan. [redacted] heard the deputy repeatedly yell at Suspect Arceo to stay in the car.

[redacted] saw Suspect Arceo continue to walk to the rear of the minivan with his hands up. [redacted] stated she lost sight of Suspect Arceo when he got to the rear of the minivan. She then heard a single gunshot but did not witness the shooting. [redacted] remained in the driver's seat until she was instructed to exit by a female deputy.

When [redacted] exited the minivan she saw Suspect Arceo handcuffed on the ground behind her minivan.

Witness [redacted]

On May 13, 2013, Homicide investigators interviewed Witness [redacted] at [redacted] Walnut Street, Cudahy. Witness [redacted] stated at the time of the shooting, he was standing inside the open garage of his [redacted] home at [redacted], which is [redacted] of the shooting incident. (Approximately 65 feet away)

Witness [redacted] stated he had been drinking alcohol and playing cards along with 20-30 other people inside the garage. Witness [redacted] would not provide the names of the 20-30 people in the garage.

Witness [redacted] stated he heard a gunshot and saw the deputy drag Suspect Arceo into the street and handcuff him. Witness [redacted] heard the Deputy order Suspect Arceo out of the minivan and shot him. Witness [redacted] stated Suspect Arceo was by the passenger door when he was shot and the deputy shot from his driver's door.

> **IAB Note:** Homicide Investigators conducted an extensive interview of Witness [redacted] Witness [redacted] could not answer their detailed questions about the events leading up to the shooting. The audio interview can be found in ***Exhibit B.***

Witness [redacted]

Witness [redacted] was interviewed by Deputy M. Ortega [redacted] on the night of the incident. Witness [redacted] stated he was at a Mother's Day BBQ at his [redacted] house at [redacted] Witness [redacted] stated he was inside the open garage when he heard the Sheriff's helicopter. Witness [redacted] stated he exited the garage and stood in the driveway. Witness [redacted] heard a deputy tell the driver "Don't move, let me see your hands."

Witness [redacted] stated the Deputy stood on the passenger side of his patrol vehicle. Witness [redacted] saw Suspect Arceo walk towards the deputy with his hands up in the air. Witness [redacted] then heard a shot but stated he did not see the shooting. Witness [redacted] stated the deputy then handcuffed Suspect Arceo and pulled him to the rear of the minivan. Deputy Ortega noted Witness [redacted] changed his story on Deputy Mendoza's position when he fired at Suspect Arceo.

Witness [redacted]

On May 21, 2014, Witness [redacted] gave a Deposition Interview on behalf of the Arceo family's attorneys. For a complete copy of the Deposition refer to [redacted] Transcribed Interview." The following is a summary of the interview.

Witness [redacted] stated on May 11, 2013, she and [redacted] were visiting his [redacted] at [redacted] Witness [redacted] stated she initially was inside the house eating dinner in the kitchen when she first heard the Sheriff's helicopter. Witness [redacted] looked out of the kitchen window and saw the helicopter spot light. She then exited the house to see what was going on across the street.

Witness [redacted] took a position in the driveway. She first saw Suspect Arceo at the back of the minivan with his hands up in the air with his palms out. Witness [redacted] stated she moved 10 to 15 feet closer to the street to get a better look. Witness [redacted] saw the deputy move to the front of his police car. Witness [redacted] said it appeared Suspect Arceo was stationary at the back of the minivan and the deputy was moving toward Suspect Arceo. Witness [redacted] estimated Suspect Arceo was approximately five feet from the deputy when the shooting occurred.

Witness [redacted] stated she freaked out after she witnessed the shooting and turned away from the incident. When Witness [redacted] looked back at the incident, Suspect Arceo was already handcuffed and the deputy had his knee on Suspect Arceo's back. Witness [redacted] stated she had a clear unobstructed view of the incident. Witness [redacted] stated the Deputy's back was facing her during the incident.

Witness [redacted] admitted that her [redacted] took a post incident video of the crime scene but stated she never reviewed the video. Witness [redacted] was asked why she refused to give an interview to the Homicide Investigators. Witness [redacted] stated she did not want to talk to anyone at the time.

Witness [redacted] stated she was the only one outside in the driveway at the time of the shooting. Witness [redacted] stated everyone was inside the house eating. Witness [redacted] stated she did not believe [redacted] witnessed the shooting.

Witness [redacted]

On May 21, 2014, Witness [redacted] gave a Deposition Interview on behalf of the Arceo family's attorneys. For a complete copy of the Deposition refer to [redacted] Transcribed Interview." The following is a summary of the interview.

Witness [redacted] stated on May 11, 2013, at the time of the shooting he was outside on the front lawn of his house ([redacted], [redacted] of the shooting

address) barbecuing for Mother's Day. Witness [redacted] stated the lights from the Sheriff's patrol car drew his attention.

Witness [redacted] saw Suspect Arceo (Witness [redacted]) get out of the passenger side door and raise his hands up in the air above his head. Witness [redacted] saw two deputies pointing guns at Suspect Arceo as they stood in front of their police car. Witness [redacted] stated Suspect Arceo took two steps toward the deputies and the deputies yelled "Stop" and Suspect Arceo stopped and was shot by one of the deputies. Witness [redacted] could not tell which deputy shot Suspect Arceo.

Witness [redacted] stated Suspect Arceo immediately fell to the ground on the sidewalk and was later moved into the street by the deputies.

Witness [redacted]

On April 23, 2014, Witness [redacted] gave a Deposition Interview at 500 West Temple Street, Suite 600, Los Angeles. For a complete copy of the Deposition refer to "[redacted] Transcribed Interview." The following is a summary of the interview.

Witness [redacted] stated at the time of the Deputy Involved Shooting he was inside his house ([redacted] watching television with his [redacted] Witness [redacted] heard a noise that sounded like a gunshot. He and his [redacted] believed it was a firework. Witness [redacted] then went outside and saw the deputies conduct a felony passenger extraction of a female inside a minivan. Witness [redacted] did not see any of the shooting incident.

Witness [redacted] was told by Witness [redacted] that the person who was shot was [redacted] "Rigoberto." Witness [redacted] knew Suspect Arceo as his neighbor. Witness [redacted] did not provide any facts regarding the use of force by Deputy Mendoza.

Canvass for Witnesses

The area was canvassed and the following civilian witnesses were identified and interviewed during the investigation by Homicide Bureau investigators and East Los Angeles Sheriff's Station personnel. Although they all heard gunshots, they stated they did not witness the shooting. Refer to the page number located after the witnesses' names for a summary of their statements, presented in the Homicide Bureau case book in ***Exhibit A***.

[redacted], [redacted] - *page 16*
[redacted], [redacted] - *page 17*

SUSPECT STATEMENT
None

MISCELLANEOUS:
In the Laboratory Analysis Summary Report, presented in ***Exhibit A***, ***page 113***, it shows Suspect Arceo had marijuana, cocaine and alcohol in his system.



LOS ANGELES COUNTY DISTRICT ATTORNEY'S OFFICE
BUREAU OF FRAUD AND CORRUPTION PROSECUTIONS
JUSTICE SYSTEM INTEGRITY DIVISION

JACKIE LACEY o District Attorney
SHARON J. MATSUMOTO o Chief Deputy District Attorney
JOSEPH P. ESPOSITO o Assistant District Attorney

SCOTT K. GOODWIN o Director

June 5, 2014

Captain Duane Harris
Homicide Bureau
Los Angeles County Sheriff's Department
5747 Rickenbacker Road
Commerce, California 90040

Re: J.S.I.D. File #13-0340
LASD File #013-05809-0261-013

Dear Captain Harris,

The Justice System Integrity Division of the Los Angeles County District Attorney's Office has completed its review of the May 11, 2013, fatal shooting of Rigoberto Arceo by Los Angeles Sheriff's Department (LASD) Deputy Luis Mendoza. We have concluded that Deputy Mendoza acted in lawful self-defense.

The District Attorney Command Center was notified of this incident on May 11, 2013. The District Attorney Response Team (DART), comprised of Deputy District Attorney Geoffrey Rendon and Senior Investigator Mike Moursalian, responded to the scene, was given a walkthrough and participated in a witness interview.

The following analysis is based upon reports, photographs, and recordings submitted to this office by LASD Homicide Investigator Tim O'Quinn. The analysis also includes review of a cellular phone video recorded shortly after the shooting. The voluntary statement of Deputy Mendoza was considered as part of this analysis.

FACTUAL ANALYSIS

On May 11, 2013, at approximately 9:49 p.m., LASD East Los Angeles Station received a 9-1-1 call of a disturbance involving a group of people on [redacted] in the City of Cudahy. The caller stated that one of the individuals was armed with a firearm. Communications broadcast a "man with a gun" call. The armed suspect was described as a male Hispanic, with a light-colored t-shirt and dark pants. An LASD Aero Bureau Unit responded to the location and flew overhead.

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Statement of Deputy Lonnie Deck, Jr.

Deputy Lonnie Deck, Jr. was positioned as an observer in the Aero Bureau helicopter, which was piloted by Deputy Clint Hughes. Utilizing a searchlight, Deck illuminated the area and saw a large group of people congregated in front of a residence. Shortly after illuminating the area, Deck observed a male and a female walk away from the group and enter a dark-colored minivan. The female, later identified as [redacted] entered the front driver's seat. The male, later identified as Rigoberto Arceo, entered the front passenger seat.

Deck broadcast his observations and continued to monitor the minivan, which traveled westbound on Elizabeth. From the air, Deck saw a marked patrol unit, driven by Deputy Luis Mendoza, catch up with the minivan as it traveled northbound on Otis Avenue, approaching Clara Street. Mendoza did not activate the patrol vehicle's lights or sirens, but followed a short distance behind the minivan. Deck heard Mendoza broadcast that he was going to wait for backup units before activating lights and sirens.

The minivan turned westbound onto Walnut Street, from Otis. Mendoza remained a short distance behind. After passing several houses, the minivan suddenly pulled to the curb. Mendoza was approximately one vehicle length behind the minivan and still had not activated his lights or sirens. Deck used the searchlight to monitor the situation on the ground. Deck saw the passenger door of the minivan open.

A large tree blocked Deck's view of the street and he was unsure whether Mendoza exited the patrol car. As the helicopter orbited, Deck heard a "deputy involved shooting" call. A moment later, as his view of the street cleared, Deck saw Arceo lying on the ground near the rear of the minivan. Deck advised responding units that the female was still inside the vehicle.

Statement of Deputy Clint Hughes

Deputy Hughes was piloting an Aero Bureau helicopter, with Deputy Deck, Jr., when he heard a "man with a gun" call. Hughes flew to Elizabeth Street, where he observed a group of people standing in front of a residence. Deck illuminated the area with a searchlight and Hughes saw an individual who matched the suspect description given in the radio call. The male, along with a female, entered a nearby minivan and drove away.

A patrol car pulled behind the minivan, which traveled to Walnut Street. The minivan pulled to the curb. Hughes put the helicopter into an orbit around the location and, almost immediately, heard a "deputy involved shooting" call. Hughes' view of the incident was temporarily blocked by large trees. As his view of the street cleared, Hughes saw Arceo lying on the ground behind the minivan. A deputy, later identified as Mendoza, was standing nearby.

Statement of Deputy Luis Mendoza

Deputy Mendoza was on patrol, driving alone, in a marked patrol car and was assigned a "person with a gun" call on Elizabeth Street. Dispatch indicated that there were two male Hispanics involved and that one of the males may have discarded a firearm. Mendoza traveled towards Elizabeth Street and heard Aero Bureau broadcast that they were at the location and a man matching the description of the person with the gun left the location with a woman. The two individuals entered a van and drove away.

Aero Bureau informed Mendoza that the vehicle containing the possible suspect was traveling westbound on Elizabeth Street, then northbound on Otis Avenue. Mendoza arrived and saw that the vehicle was a dark-colored Toyota Sienna minivan. Mendoza followed the minivan, but did not activate the lights or sirens of his patrol car.

The minivan continued northbound on Otis, then westbound on Walnut Street. Mendoza followed a short distance behind. Mendoza was waiting until an additional police unit arrived before activating his vehicle's lights and siren. The minivan quickly pulled to the curb and a man, later identified as Rigoberto Arceo, immediately exited the front passenger door. Mendoza rapidly stopped his vehicle and turned on the overhead rotating red and blue lights. Arceo was walking quickly towards the rear of the minivan, in the direction of Mendoza's vehicle, which was stopped behind and to the left of the minivan, a few feet from the rear driver's side bumper.

Mendoza stepped out of the driver's side door of the patrol vehicle, drew his department-issued 9mm Beretta semiautomatic handgun and yelled at Arceo, "Get back inside the car! Get back inside the car!" Arceo continued to walk towards the back of the minivan. Mendoza could see the top of Arceo's head, but could not see his torso, arms or legs, which were blocked by the minivan. Due to the nature of the original call, Mendoza believed Arceo was possibly armed with a weapon. Mendoza felt that Arceo might ambush him, considering how abruptly the minivan stopped.

Mendoza moved to the front of the patrol car and ordered Arceo to, "Get on the ground!" Mendoza repeated the command approximately three to four times. Arceo was breathing heavily and replied, "I ain't doing shit!" Arceo had a blank stare on his face and was moving aggressively. Arceo clenched both fists and began to raise his arms in front of his body. Mendoza was pointing his service weapon at Arceo, who closed to within mere feet of Mendoza. Mendoza believed Arceo was going to attempt to take his firearm. In fear for his life, Mendoza fired a single shot at Arceo.

Arceo fell to the ground, on his back. Mendoza turned Arceo over and handcuffed his hands behind his back. Arceo was moving from side to side and Mendoza placed a knee on Arceo's back. Mendoza requested medical assistance for Arceo.

A male Hispanic approached from the west. The man appeared agitated and Mendoza heard him say, "..[redacted] Additional units arrived shortly thereafter, took control of the scene and assisted in further investigation.

Statement of [redacted]

[redacted] told Deputy M. Ortega that he was attending a barbeque at a residence across the street from the location of the shooting. [redacted] was inside the open garage of the residence and heard the sound of a helicopter overhead. [redacted] stepped out of the garage and heard a deputy state, "Don't move, let me see your hands!" The deputy was standing on the passenger side of a patrol car. The driver of the minivan placed her hands outside the driver's side window. [redacted] saw Rigoberto Arceo walking towards the deputy with his hands in the air. [redacted] heard a gunshot but did not see the actual shooting.

After hearing the shot, [redacted] saw the deputy handcuff Arceo and pull him to the rear of the minivan.

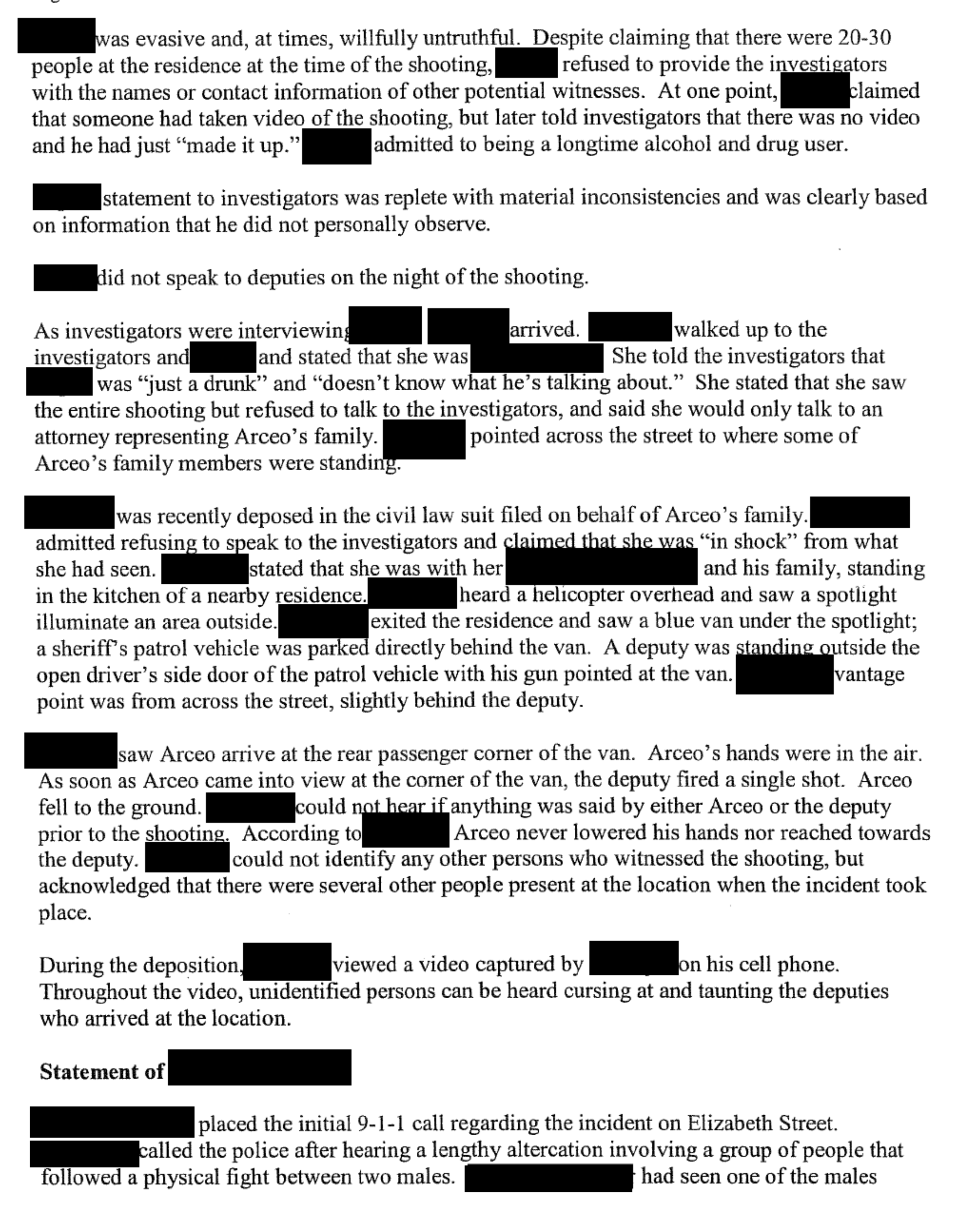
Ortega's interview of [redacted] was conducted at the scene of the shooting. Ortega responded to the scene and was assisting with locating witnesses. Ortega saw a large group of people standing in front of [redacted] People within the group were yelling obscenities at several deputies, including, "That's bullshit, he didn't do anything wrong." Ortega attempted to calm the group and told them that each person would be interviewed. At that time, [redacted] opened the front gate of the property and spoke to Ortega. Ortega noted that [redacted] was inconsistent in his statement, alternatively placing Mendoza on the driver's side and passenger's side of the patrol vehicle.

Recently, [redacted] failed to appear for a deposition in an associated civil case filed by Arceo's family. Based on statements of another witness, it appears that [redacted] did not witness the actual shooting and may have simply recited statements he heard from others.

Statements of [redacted] and [redacted]

A few days after the shooting, investigators contacted residents near the shooting location in an attempt to locate additional witnesses. [redacted] and [redacted] stated they had witnessed the shooting.

[redacted] stated that he had been inside a garage, drinking and playing cards, along with 20-30 people, at the time of the shooting. [redacted] repeatedly told the investigators that, "He (Mendoza) shot him for no reason." [redacted] claimed to have seen the shooting, but stated that his attention was first drawn outside by "the shot." [redacted] stated that Arceo and his [redacted] had just gotten into the minivan prior to the shooting. Arceo was shot on the grass, next to the van and was dragged into the street by Mendoza.



[redacted] was evasive and, at times, willfully untruthful. Despite claiming that there were 20-30 people at the residence at the time of the shooting, [redacted] refused to provide the investigators with the names or contact information of other potential witnesses. At one point, [redacted] claimed that someone had taken video of the shooting, but later told investigators that there was no video and he had just "made it up." [redacted] admitted to being a longtime alcohol and drug user.

[redacted] statement to investigators was replete with material inconsistencies and was clearly based on information that he did not personally observe.

[redacted] did not speak to deputies on the night of the shooting.

As investigators were interviewing [redacted] arrived. [redacted] walked up to the investigators and [redacted] and stated that she was [redacted] She told the investigators that [redacted] was "just a drunk" and "doesn't know what he's talking about." She stated that she saw the entire shooting but refused to talk to the investigators, and said she would only talk to an attorney representing Arceo's family. [redacted] pointed across the street to where some of Arceo's family members were standing.

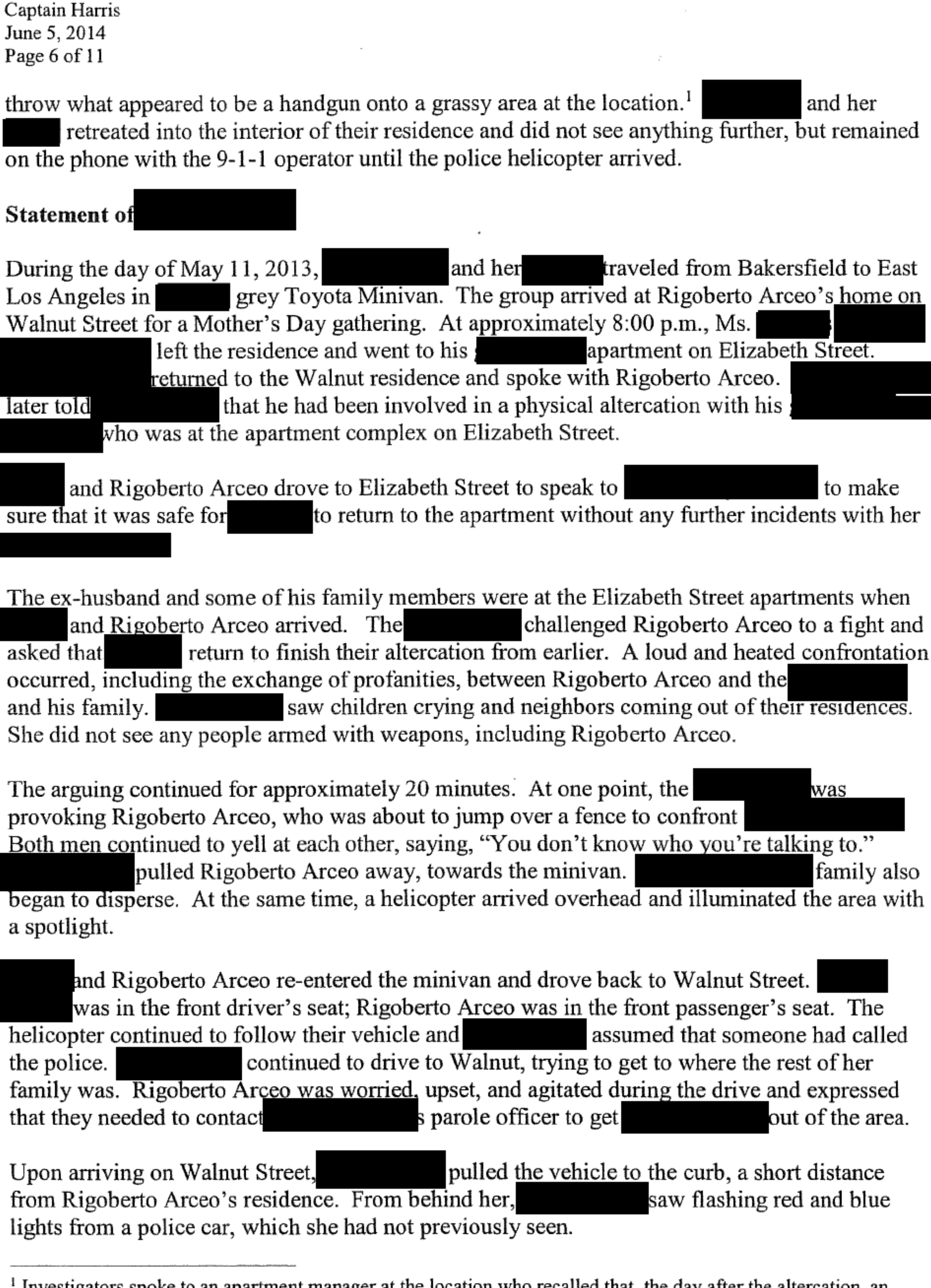
[redacted] was recently deposed in the civil law suit filed on behalf of Arceo's family. [redacted] admitted refusing to speak to the investigators and claimed that she was "in shock" from what she had seen. [redacted] stated that she was with her [redacted] and his family, standing in the kitchen of a nearby residence. [redacted] heard a helicopter overhead and saw a spotlight illuminate an area outside. [redacted] exited the residence and saw a blue van under the spotlight; a sheriff's patrol vehicle was parked directly behind the van. A deputy was standing outside the open driver's side door of the patrol vehicle with his gun pointed at the van. [redacted] vantage point was from across the street, slightly behind the deputy.

[redacted] saw Arceo arrive at the rear passenger corner of the van. Arceo's hands were in the air. As soon as Arceo came into view at the corner of the van, the deputy fired a single shot. Arceo fell to the ground. [redacted] could not hear if anything was said by either Arceo or the deputy prior to the shooting. According to [redacted] Arceo never lowered his hands nor reached towards the deputy. [redacted] could not identify any other persons who witnessed the shooting, but acknowledged that there were several other people present at the location when the incident took place.

During the deposition, [redacted] viewed a video captured by [redacted] on his cell phone. Throughout the video, unidentified persons can be heard cursing at and taunting the deputies who arrived at the location.

Statement of [redacted]

[redacted] placed the initial 9-1-1 call regarding the incident on Elizabeth Street. [redacted] called the police after hearing a lengthy altercation involving a group of people that followed a physical fight between two males. [redacted] had seen one of the males



throw what appeared to be a handgun onto a grassy area at the location.[1] [redacted] and her [redacted] retreated into the interior of their residence and did not see anything further, but remained on the phone with the 9-1-1 operator until the police helicopter arrived.

Statement of [redacted]

During the day of May 11, 2013, [redacted] and her [redacted] traveled from Bakersfield to East Los Angeles in [redacted] grey Toyota Minivan. The group arrived at Rigoberto Arceo's home on Walnut Street for a Mother's Day gathering. At approximately 8:00 p.m., Ms. [redacted] left the residence and went to his [redacted] apartment on Elizabeth Street. [redacted] returned to the Walnut residence and spoke with Rigoberto Arceo. [redacted] later told [redacted] that he had been involved in a physical altercation with his [redacted] who was at the apartment complex on Elizabeth Street.

[redacted] and Rigoberto Arceo drove to Elizabeth Street to speak to [redacted] to make sure that it was safe for [redacted] to return to the apartment without any further incidents with her [redacted]

The ex-husband and some of his family members were at the Elizabeth Street apartments when [redacted] and Rigoberto Arceo arrived. The [redacted] challenged Rigoberto Arceo to a fight and asked that [redacted] return to finish their altercation from earlier. A loud and heated confrontation occurred, including the exchange of profanities, between Rigoberto Arceo and the [redacted] and his family. [redacted] saw children crying and neighbors coming out of their residences. She did not see any people armed with weapons, including Rigoberto Arceo.

The arguing continued for approximately 20 minutes. At one point, the [redacted] was provoking Rigoberto Arceo, who was about to jump over a fence to confront [redacted] Both men continued to yell at each other, saying, "You don't know who you're talking to." [redacted] pulled Rigoberto Arceo away, towards the minivan. [redacted] family also began to disperse. At the same time, a helicopter arrived overhead and illuminated the area with a spotlight.

[redacted] and Rigoberto Arceo re-entered the minivan and drove back to Walnut Street. [redacted] was in the front driver's seat; Rigoberto Arceo was in the front passenger's seat. The helicopter continued to follow their vehicle and [redacted] assumed that someone had called the police. [redacted] continued to drive to Walnut, trying to get to where the rest of her family was. Rigoberto Arceo was worried, upset, and agitated during the drive and expressed that they needed to contact [redacted] parole officer to get [redacted] out of the area.

Upon arriving on Walnut Street, [redacted] pulled the vehicle to the curb, a short distance from Rigoberto Arceo's residence. From behind her, [redacted] saw flashing red and blue lights from a police car, which she had not previously seen.

[1] Investigators spoke to an apartment manager at the location who recalled that, the day after the altercation, an unknown person located a black cell phone in the area where [redacted] believed he had seen a gun thrown.

Rigoberto Arceo began to exit the vehicle and [redacted] told him, "Wait for them to tell us to get out." Rigoberto Arceo exited the vehicle with his hands up and walked along the passenger side of the minivan towards the police vehicle. [redacted] heard a police officer yell, repeatedly, "Stay in the car." Rigoberto Arceo continued to walk towards the rear of the minivan with his hands up. [redacted] lost sight of Rigoberto Arceo as he arrived at the rear passenger side corner of the minivan. Suddenly, [redacted] heard a single gunshot. [redacted] could not see the shooting from where she was seated, nor did [redacted] hear Rigoberto say anything to the deputy, at any time, while he was outside of the minivan.

[redacted] remained in the driver's seat of the minivan; the engine was running and the headlights were on. Approximately one minute after the shooting, a female deputy spoke to her from outside the driver's side door. The deputy told [redacted] to remain in the driver's seat. Several minutes later, a deputy ordered [redacted] to exit the minivan, which she did. As she exited, she saw Rigoberto Arceo laying on the ground behind the vehicle, handcuffed.

[redacted] later told investigators that there was an unloaded handgun inside a gray case between the front seats of the minivan. The handgun belonged to her father and had been brought with them earlier in the day when they drove from central California to Los Angeles. [redacted] did not know if there was any ammunition in the vehicle, but her father told her that the gun was unloaded. [redacted] never saw Rigoberto Arceo handle the weapon and believed that he was unaware of its presence in the minivan. [redacted] also told investigators that her father had approximately $3,000 in cash inside the minivan that he had brought with him earlier in the day.

Cell Phone Video

Shortly after the shooting, [redacted] recorded several minutes of footage of the actions taking place at the scene of the shooting. Throughout the video, several male voices can be heard. At least one female voice can be heard as well. The majority of the audible commentary appears to come from two individuals. Based on their statements to the police and in their depositions, it is reasonable to assume that the voices belong to [redacted] and [redacted]

At one point in the video, the camera operator [redacted] focuses on a group of deputies standing in the street and states, "That's him, right there. Triggerman. Wave to the camera motherfucker." Later, the same person states, "He didn't tell that fool nothing. He jumped out of the car and they shot him. Probably just got back from Afghanistan or something." [redacted] states, "I've got it on videotape. How much do you think we'll get for it?"

A significant amount of profanity is directed at the deputies, including, "Fucking clowns, homie. Scandalous ass motherfuckers." A female, likely [redacted] adds, "They need to learn how to fucking shoot right. Shoot in the leg, nowhere else in the body. You guys are gonna fucking get in trouble. Scandalous ass..."

[2] In her deposition, [redacted] denied being the voice on the recording.

Towards the end of the video, a group of deputies is gathered in the street. The camera operator pans to them and states, "You know what they're grouping for, right? Make sure their story's right." The same female responds, "Get your story straight, guys. There's a witness, I witnessed it." That acknowledgment furthers the conclusion that the voice belongs to [redacted]

Finally, the camera operator states, "Scandalous ass motherfucking sheriff's. These fools are gangsters, they fucking want to be gangsters." Another male replies, "These fuckers ain't the law, dog. Crooked motherfuckers."

Forensic Evidence

Investigators located a single expended shell casing in the grassy parkway between the curb and sidewalk in front of [redacted] Walnut Street. The casing had been discharged from Mendoza's firearm.

Medical personnel cut Rigoberto Arceo's clothing off at the scene. Investigators recovered the clothing and Arceo's shirt was tested for the presence of gunshot residue. The shirt bore a hole in the front, near the left breast pocket. An examination found that the hole and surrounding pattern of gunshot residue was most consistent with a muzzle to target distance of between three and 12 inches.

Postmortem Examination

On May 15, 2013, Deputy Medical Examiner J. Daniel Augustine performed a postmortem examination of Arceo's remains. The examination revealed a single fatal gunshot wound to the chest. The bullet perforated Arceo's heart and thoracic aorta. No soot, stippling or muzzle abrasion was observed. A toxicological examination of Arceo's blood revealed the presence of alcohol, metabolites of marijuana and cocaine.

LEGAL ANALYSIS

California law permits the use of deadly force in self-defense if it reasonably appears to the person claiming the right of self-defense that he actually and reasonably believed he was in imminent danger of great bodily injury or death. The belief in the need to defend oneself must be both actual and reasonable.

"[T]he rule is well established that one who, without fault, is placed under circumstances sufficient to excite the fears of a reasonable man that another designs to commit a felony or some great bodily injury and to afford grounds for a reasonable belief of imminent danger, may act upon those fears alone and may slay his assailant and be justified by appearances."[3]

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[3] *People v. Mercer* (1962) 210 Cal. App. 2d 153, 161.

In protecting himself or another, a person may use all force which he believes reasonably necessary and which would appear to a reasonable person, in the same or similar circumstances, to be necessary to prevent injury which appears to be imminent.[4]

"Where the peril is swift and imminent and the necessity for action immediate, the law does not weigh in too nice scales the conduct of the assailed and say he shall not be justified in killing because he might have resorted to other means to secure his safety."[5]

"The 'reasonableness' of a particular use of force must be judged from the perspective of a reasonable officer on the scene, rather than with the 20/20 vision of hindsight... The calculus of reasonableness must embody allowance for the fact that police are often forced to make split-second judgments -- in circumstances that are tense, uncertain, and rapidly evolving -- about the amount of force that is necessary in a particular situation."[6]

Actual danger is not necessary to justify the use of force in self-defense. If one is confronted by the appearance of danger which one believes, and a reasonable person in the same position would believe, would result in death or great bodily injury, one may act upon those circumstances. The right of self-defense is the same whether the danger is real or apparent.[7] If a person acted from reasonable and honest convictions he cannot be held criminally responsible for a mistake in the actual extent of the danger, when other reasonable men would alike have been mistaken.[8]

The Fourth Amendment reasonableness test is, "an objective one: the question is whether the officer's actions are 'objectively reasonable' in light of the facts and circumstances confronting them."[9] The analysis must take into account the officer's perceptions as part of the totality of the circumstances.[10]

In *Graham*, the United States Supreme Court held that the reasonableness of the force used "requires careful attention to the facts and circumstances" of the particular incident. "...Thus, under *Graham*, we must avoid substituting our personal notions of proper police procedure for the instantaneous decision of the officer at the scene. We must never allow the theoretical, sanitized world of our imagination to replace the dangerous and complex world that policemen face every day. What constitutes 'reasonable' action may seem quite different to someone facing a possible assailant than to someone analyzing the question at leisure."[11]

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[4] CALCRIM No. 3470.
[5] *People v Collins*, (1961) 189 Cal. App.2d 575.
[6] *Graham v. Conner*, (1989) 490 U.S. 386, 396-397.
[7] *People v. Toledo* (1948) 85 Cal. App.2d 577
[8] *People v. Jackson* (1965) 233 Cal. App.2d 639.
[9] *Graham v. Connor* (Supra) 490 U.S. at 396.
[10] *Milstead v. Kibler* (1999) 1999 U.S. Dist Lexis 8380.
[11] *Smith v. Freland* (6th Cir. 1992) 954 F.2d 343, 347.

The test of whether the officer's actions were objectively reasonable is "highly deferential to the police officer's need to protect himself and others."[12]

When considering the reasonableness of a claim of self-defense, one must take into account the effect of antecedent threats or assaults by the victim, or in this case, the person that the victim was perceived to be.[13] In this case, a 9-1-1 call and subsequent radio broadcast indicated that the suspect in the earlier altercation, Arceo, was armed with a gun.

CONCLUSION

The evidence examined shows that on the evening of May 11, 2013, Deputy Luis Mendoza responded to a radio call of a suspect with a gun. A sheriff's helicopter was following the suspect, who had entered a minivan. Mendoza located the minivan and followed from a short distance. Mendoza had not activated his lights or siren when, suddenly, the van pulled to the curb and came to a stop. Rigoberto Arceo immediately exited the front passenger side door and walked towards the rear of the minivan. Mendoza stepped out of the driver's side door of his patrol vehicle. Mendoza was aware of the earlier radio call and believed Arceo could be armed with a firearm. Mendoza ordered Arceo to get back into the van. Arceo ignored Mendoza's orders and continued to walk towards Mendoza, who moved to the front of the patrol vehicle.

Arceo came around the rear corner of the van. Mendoza ordered Arceo to, "Get on the ground!" to which Arceo replied, "I ain't doing shit!" Mendoza saw a blank stare on Arceo's face as Arceo advanced towards him.

Mendoza was pointing his gun at Arceo, who raised his hands and had an aggressive posture. Arceo closed within a few feet and Mendoza believed Arceo was going to try to take his gun. In fear for his life, Mendoza fired a single round at Arceo from his department-issued firearm. Arceo fell to the ground and died as a result of his injuries.

Subsequent forensic examination revealed that Arceo was within one foot of Mendoza when he was struck by the bullet.

Mendoza's actions are analyzed based on the totality of circumstances, which include the nature of the initial radio call which indicated a suspect whose description matched Arceo was armed with a firearm, the minivan stopping abruptly in the absence of any lights or sirens from the patrol vehicle, the immediate exit of the minivan by Arceo and Arceo advancing on Mendoza while ignoring Mendoza's orders.

Deputies Deck and Hughes, monitoring from an overhead helicopter, corroborate Mendoza's observation of the minivan abruptly stopping prior to the activation of any lights or sirens as well as the rapid exit by Arceo via the front passenger door. [redacted] told her brother to stay in the van, yet Rigoberto Arceo did not heed her advice and proceeded towards Mendoza. [redacted] heard Mendoza order Rigoberto Arceo to, "Stay in the van." Rigoberto Arceo's actions

[12] *Munoz v. City of Union City* (2004) 120 Cal. App. 4th 1077, 1102.
[13] CALJIC No. 5.50.1

led to Mendoza's fear that Arceo, possibly armed with a gun, might ambush him. That belief was furthered as Arceo continued to ignore Mendoza's orders and, aggressively, approached within mere feet of Mendoza, who was pointing his service weapon at Arceo. Mendoza's fear, under the circumstances, was reasonable.

Although two alleged eyewitnesses observed Arceo approach Mendoza with his hands in the air, both confirm that Arceo exited the minivan and walked towards the deputy, ignoring Mendoza's orders. [redacted] statement to investigators contains several inconsistencies and there is a significant doubt as to whether he viewed the actual shooting. Most notably, he stated that his attention was first drawn to the incident by the shot and that Arceo and his [redacted] had gotten into the van immediately prior to the shooting. Additionally, [redacted] stated that Arceo fell on the grass next to the van and was dragged into the street by Mendoza. Substantial evidence supports a conclusion that Arceo fell to the ground behind the van, including statements by the deputies in the helicopter.

[redacted] initially refused to provide a statement to investigators and stated she would only talk to an attorney representing Arceo's family. An explanation that she was "in shock" from the incident is belied by, what appear to be, her statements and commentary on the video recorded shortly after the shooting. The tone and nature of those comments convey an unquestionable bias.

An examination of Arceo's clothing provided additional evidence that supports Mendoza's version of events. Specifically, a hole and surrounding gunshot residue on the left breast pocket of Arceo's shirt indicate that Arceo was standing within 12 inches of the end of the barrel of Mendoza's service weapon at the time of the shooting.

Based on the evaluation set forth above, we conclude that Deputy Mendoza acted in lawful self-defense when he used deadly force against Arceo. We are therefore closing our file and will take no further action in this matter.

Very truly yours,

JACKIE LACEY
District Attorney

By

GEOFFREY RENDON
Deputy District Attorney
(213)974-3888

c: Deputy Luis Mendoza, [redacted]

761551N52A – SH-AD (11/90)

COUNTY OF LOS ANGELES

SHERIFF'S DEPARTMENT

"A Tradition of Service"

OFFICE CORRESPONDENCE

DATE: May 26, 2015

FROM: STEPHEN B. JOHNSON, COMMANDER
CENTRAL PATROL DIVISION

TO: STEVE BIAGINI, CAPTAIN
EAST LOS ANGELES STATION

SUBJECT: EXECUTIVE FORCE REVIEW COMMITTEE FINDINGS

Case Number:	SH2335335
Incident:	Hit Shooting
Incident Date:	May 11, 2013
Unit:	East Los Angeles Station
Suspect:	Arceo, Rigoberto MH/11/20/78
Involved Employee:	Deputy Luis Mendoza #[redacted]
EFRC Date:	May 21, 2015

The Executive Force Review Committee (EFRC) consisting of Commanders Stephen B. Johnson, Patrick E. Maxwell, and Ralph J. Webb met and reviewed the above case.

FINDINGS:

The EFRC determined the use of deadly force and tactics were within Department policy.

RECOMMENDATIONS:

The EFRC recommended that Deputy Mendoza attend 8 hours of Tactics and Survival Training. The EFRC also recommended that the Unit Commander conduct briefings on tactics during High Risk Vehicle Stops and Crime Scene protocol.

SBJ:JRB:jrb